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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,838	10/05/2001	Jeffrey M. Afanas	0210B-000253	4304
27572	7590	11/24/2003		
HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER NEWHOUSE, NATHAN JEFFREY	
			ART UNIT 3727	PAPER NUMBER 8
			DATE MAILED: 11/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/971,838

Applicant(s)

AFTANAS ET AL.

Examiner

Nathan J. Newhouse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the locking mechanism of the article carrier having only one elongated member (claims 1, 19 and 28) or one cable (claim 8) or one elongated coupling element (claims 14 and 29) must be shown or the feature(s) canceled from the claim(s). For further explanation, see rejection under 35 U.S.C. 112, first paragraph and second paragraph. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1-29 are rejected as applicant has not described that the locking mechanism of the article carrier has only one elongated

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member (claims 1, 19 and 28) or one cable (claim 8) or one elongated coupling element(claims 14 and 29). As set forth, there must be two elongated members (claims 1, 19 and 28) or two cables (claim 8) or two elongated coupling elements (claims 14 and 29) as the specification and drawings describe two cables (72, 76) to allow each locking mechanism on either side of the cross bar to be actuated and remove both locking pins. There is no mention of only one cable.

Claim 29 is further rejected as applicant appears to be claiming only one locking mechanism (see line 6), but later references two locking mechanisms (see line 17). It is unclear how many locking mechanisms there are in this claim. It should be further noted that applicant has only described and shown two locking mechanisms, one at each end of the cross bar.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-29 are rejected as it is unclear in each of the independent claims if applicant is claiming one elongated member (claims 1, 19 and 28) or one cable (claim 8) or one elongated coupling element(claims 14 and 29) OR each locking mechanism having one elongated member (claims 1, 19 and 28) or one cable (claim 8) or one elongated coupling element(claims 14 and 29) so that there are two total. However, as

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evidenced by dependent claims 13 and 16, where applicant sets forth two such elements, it is unclear how many are claimed in all of the independent claims.

Claims 1, 8, 14, 19, 28 and 29 contain the phrase "within at least one finger of an individual" and thereby causing the claims to be rejected as it is unclear what this phrase means.

Claim 20, lines 2 and 3 "said locking pin" has no antecedent basis as applicant has only previously set forth "a locking element".

Claim 24 is rejected as it is unclear what relationship the elongated member of claim 19, from which this claim depends, has with the length of cable of this claim. Both of these members appear to be the same element.

Claim 29, line 6 the phrase "a locking mechanism at least end thereof" is not grammatically correct and makes no sense. It is unclear what applicant is attempting to claim.

Claim 29 is further rejected as applicant appears to be claiming only one locking mechanism (see line 6), but later references two locking mechanisms (see line 17). It is unclear how many locking mechanisms there are in this claim. It should be further noted that applicant has only described and shown two locking mechanisms, one at each end of the cross bar.

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Silva et al. teaches a similar article carrier to what applicant is claiming.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan J. Newhouse whose telephone number is (703)-308-4158. The examiner can normally be reached on Monday-Thursday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (703)-308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

  
Nathan J. Newhouse  
Primary Examiner  
Art Unit 3727